

# EXHIBIT V (PART 1)



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OFFICE OF THE  
NATIONAL ADJUTANT

May 31, 2023

The Honorable Richard M. Berman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Dear Judge Berman:

The American Legion, headquartered in Indianapolis, Indiana, is the largest wartime veterans service organization in the United States, with nearly two million members in 12,000 posts in communities throughout America. It was chartered by an Act of Congress in 1919 and is committed to advancing the interests of veterans, their survivors, and dependents.

The Legion has a beneficial relationship with retired Congressman Steve Buyer, for many years, particularly during the time that he served on the House Veterans Affairs Committee from 1993 through 2010. As a former Chairman of the Veterans Affairs Committee, we sought his counsel on a number of Bills regarding veterans access to healthcare, disability, education, memorial affairs and burial benefits, and he provided us guidance in pursuing them to their passage into law and their implementation.

Further, after Mr. Buyer left Congress, he assisted us in fulfilling the intent of Public Law 115-65 (American Legion 100th Anniversary Commemorative Coin Act). He not only lobbied on our behalf, but he was instrumental in guiding our legislative division through the intricacies of dealing with Congress to secure sufficient co-sponsors for this 100th anniversary Coin set to be produced at the Philadelphia Mint.

The American Legion offers a proposal:

Should the Court see fit to impose a probationary sentence and order Mr. Buyer to work in meaningful community public service, The Legion would certainly appreciate being considered as a beneficiary of that service. Mr. Buyer lives on the north side of Indianapolis. We would welcome the opportunity for Mr. Buyer to again assist The American Legion. We are hiring a new Legislative Director. We propose to utilize Mr. Buyer's services to train our new Legislative director. Mr. Buyer would work at The Legion's office in Indianapolis for as many hours as the Court may deem appropriate.

The Honorable Richard M. Berman

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Mr. Buyer's 30 years working on Capitol Hill and with the Veterans Administration arms him with substantial and unique subject matter knowledge that would be valuable to accomplishing the Legion's legislative priorities to assist veterans and dependents. He would be educating the new Legislative Director on navigating the halls of Congress and the VA and how to best develop relationships with Senators, Congressmen, congressional staff, VA leadership and staff, the GAO, OIG, and other stakeholders while learning the endless hyper-dynamic challenges of actually passing meaningful legislation and the oversight of the VA's responsibilities.

As the former Chairman of the House VA Committee, Mr. Buyer can help educate and advise the new Legislative director regarding strategic objectives of VA policies, plans, and procedures of existing agency functional programs and proposed legislative policies. And he can help assist the new Legislative Director in the plan, organization, and evaluation of communication strategies, programs, and materials.

Attached is a memorandum listing the Bills that have the attention of the Legion. The new Legislative Director will be addressing these priorities that will be beneficial to the nation's veterans and their families, such as in-home health care for veterans with catastrophic disabilities, limiting attorney fees available under a federal cause of action due to toxic water at Camp Lejeune, North Carolina, and addressing improvement initiatives to implement the VA's new electronic health record system. We are six months into the 118th Congress; so, time is important.

If the Court imposes probation and assigns community service to Mr. Buyer, The American Legion would certainly appreciate being considered as a beneficiary of that service. We would welcome the opportunity for Mr. Buyer to again assist us in efforts that will be beneficial to the nation's veterans, widows, and children.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel S. Wheeler", with a long horizontal flourish extending to the right.

DANIEL S. WHEELER  
National Adjutant

# MEMORANDUM

**To:** Executive Director, Government Affairs  
**From:** National Legislative Division  
**Date:** 11 May 2023  
**SUBJECT:** CONGRESSIONAL LANDSCAPE AND LEGISLATIVE PRIORITIES OUTLOOK

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## PURPOSE

To provide American Legion executive leadership status of actionable legislative priorities for the 118<sup>th</sup> Congress and associated Legislative Division activities.

## CONGRESSIONAL LANDSCAPE

Passage of the Honoring Our PACT Act in 2022 brought with it significant funding concerns for VA that cast a shadow over veterans' legislation in the 118th Congress. The Congressional Budget Office has articulated in legislative cost estimates that any legislation that impacts veterans suffering from toxic exposure will carry mandatory spending costs. This, along with a divided Congress, means significantly lower expectations for passing large pieces of veterans legislation in the first session of the 118<sup>th</sup> Congress.

## SUMMARY OF BILLS BY LIKELIHOOD OF PASSAGE

From likely (4) to unlikely (1):

- 4 S. 378/H.R. 1204 – Camp Lejeune Legislation (Protecting Veterans from Predatory Actors (VA&R)
- 4 H.R.1669 – *VET–TEC Authorization Act of 2023* (VE&E)
- 4 H.R. 932 – *To repeal the authorizations for use of military force against Iraq* (National Security)
- 3 S. 141 – *Elizabeth Dole Home Care Act* H.R.1139 - *GUARD VA Benefits Act* (VA&R)
- 3 H.R. XXX *VA Home Loan Transferability* (VE&E)
- 3 S. XXX – *Military Housing Readiness Council Act* (National Security)
- 2 H.R. 592 – *Department of Veterans Affairs Electronic Health Record Modernization Improvement Act* (VA&R)
- 2 H.R. 1282 – *Major Richard Star Act* (VA&R)
- 2 S. 928 – *Not Just A Number Act* (VA&R)
- 2 S. 1315 – *Veterans' Health Empowerment, Access, Leadership, and Transparency for our Heroes Act* (VA&R)
- 2 H.R. XXX – *Guard and Reserve GI Bill Parity Act* (VE&E)
- 2 S. XXX – *Afghan Adjustment Act* (National Security)
- 2 H.R. 2537 – *Basic Allowance for Housing Restoration Act* (National Security)
- 1 H.R.1139 – *GUARD VA Benefits Act* (VA&R)
- 1 H.R. 291 – *Vaccine Discharge Parity Act* (VE&E)
- 1 H.R. 2693 – *Pay Our Coast Guard Parity Act of 2023* (National Security)
- 1 S. 497 – *Military Family Nutrition Access Act* (National Security)



## MENTAL HEALTH & SUICIDE PREVENTION (VA&R)

Passage of the STRONG Veterans Act achieved our long-term goal of passing Buddy Check Legislation. For the 118<sup>th</sup>, two additional provisions have been identified for action.

**Bill:** S. 928 – *Not Just a Number Act*

**Author:** Senator Jon Tester (D-MT)

**Intent:** To mandate an annual report of veterans' suicide trends, including research on potential VA mental health touchpoints.

### Associated Legislative Activities:

- Published National Commander quote featured in [bill press release](#).
- Organizing *Be the One Webinar* for Congressional staff to inform them of suicide prevention legislation and urge co-sponsorship of S.928.

**Likelihood of Passage (1 - unlikely to 5 - probable):** 2. Report requirements articulated in legislation is too expansive for VA to fulfill, which provides Republicans with a basis to oppose the legislation. Legion lobbying will focus on identifying key provisions to be rolled into an end-of-year VA omnibus bill.

**Bill:** S. 1315 - *Veterans' Health Empowerment, Access, Leadership, and Transparency for our Heroes (HEALTH) Act*

**Author:** Senator Jerry Moran (R-KS)

**Intent:** Protect and expand access to community care for veterans, including extended care services - notably inpatient mental health care and residential rehabilitation substance use treatment.

### Associated Legislative Activities:

- Published National Commander quote featured in [bill press release](#).
- Organizing *Be the One Webinar* for Congressional staff to inform them of suicide prevention legislation and urge co-sponsorship of S.1315.

**Likelihood of Passage (1 - unlikely to 5 - probable):** 1. Legislation is sweeping, expensive, and does not currently have bipartisan support. Further, it is not being prioritized by Senate Republican leadership (*Elizabeth Dole Home Care Act* is their top bill). Legion lobbying will focus on securing bipartisan sponsorships and raising awareness of community care challenges.

## CAREGIVERS (VA&R)

In April, President Biden signed an executive order to direct the Department of Veterans Affairs (VA) to speed up the expansion of its Veteran Directed Care Program to all 172 VA Medical Centers by the end of Fiscal Year 2024. It also requires VA to consider expanding access to the Program of Comprehensive Assistance for Family Caregivers, also known as the Caregivers Program, and provide more mental health support for caregivers enrolled in that program. While The American Legion applauds these efforts, we are working to codify the executive order by pushing for the passage of the *Elizabeth Dole Home Care Act*. This legislation will

permanently expand home and community-based services for aging veterans and improve support for veterans and caregivers of all ages.

**Bill:** S. 141 – *Elizabeth Dole Home Care Act*

**Author:** Senator Jerry Moran (R-KS)

**Intent:** Improve home-based care for veterans for require support.

**Associated Legislative Activities:**

- Sending out a legislative action alert urging Legionnaires to contact their Senators to vote yes for S. 326, the package of bills that includes *the Elizabeth Dole Home Care Act*.
- Participating in a coalition with the Elizabeth Dole Foundation and Paralyzed Veterans of America (PVA) to discuss strategy.

**Likelihood of Passage (1 - unlikely to 5 - probable):** 3. Legislation has bipartisan, bicameral support. However, it was included in a legislative package with a controversial cannabis bill.

## VA HEALTHCARE MODERNIZATION (VA&R)

The Department of Veterans Affairs (VA) announced on April 21, 2023 that it is pausing all future deployments of its Electronic Health Records Modernization (EHRM) program while it focuses on improvements at the five sites where the EHR system is currently deployed, as part of a “larger program reset.”

**Bill:** H.R. 592 – Department of Veterans Affairs Electronic Health Record Modernization Improvement Act

**Author:** Congressman Mike Bost (R-IL)

**Intent:** To prohibit the Secretary of Veterans Affairs from carrying out certain activities under the Electronic Health Record Modernization Program until certification of system improvements and facility readiness.

**Associated Legislative Activities:**

- Submitted a Statement for the Record to the subcommittee on Oversight and Investigations House Committee on Veterans Affairs hearing on “Pending Legislation”.

**Likelihood of Passage (1 - unlikely to 5 - probable):** 2. Legislation has bipartisan support. However, the necessity of the legislation is currently in question due to VA’s announcement to suspend future deployments of the EHRM.

## PROTECT VETERANS FROM PREDATORY ACTORS (VA&R)

America’s veterans are being increasingly targeted by predatory actors that seek to profit from an array of benefits that have been rightfully earned by those who have served our nation. With the passage of the PACT Act last year, this behavior is expected to increase exponentially.

**Bill:** H.R.1139 – *GUARD VA Benefits Act*